# Flexible working in the legal sector
# A solicitor's Survival Guide

century

*the*LEGAL*access*

**Employers are approaching flexible working practices positively with 4 in 10 organisations extending the right to request flexible working beyond the legislative requirement, according to a new survey from the Chartered Institute of Personnel and Development (CIPD).**

Flexible working has become one of the dominant management topics for firms of solicitors in the UK, and there are three driving forces. Senior partners are recognising the business benefits of gaining higher productivity from fee earners, coupled with improved staff retention and recruitment. Secondly, the UK government is embodying the right to a flexible working environment into legislation. And thirdly, fee earners themselves are demanding a better work-life balance.

The concept, however, is not without issues. There can be security concerns, as well as implications for the IT infrastructure. Not to mention the need to introduce such a culture change in a managed way.

The purpose of this White Paper is to capture in simple language the main drivers and inhibitors to flexible working, particularly within the legal profession, together with a workable route map for change. All the essentials.

Our motives are not wholly altruistic. We also describe a secure, cost effective, and above all practical approach from theLEGALaccess.

I do hope you find it useful

Rob Green
MD theLEGALaccess

# Contents

# Introduction

**We are not examining the wider aspects of job-sharing, part-time work, compressed work weeks or flextime. This paper focuses on partial homeworking and mobile working for solicitors**

Five years ago, business pundits woke up to the concept of flexible working - using the emerging mobile technologies to work away from the office, most probably at home, to link into essential office-based support systems.

Clearly, such a concept is particularly suited to knowledge-based workers, including fee earners in the professions.

A DTi backed campaign has done a lot to promote the concept. So much so that the government's Flexible Working Regulations, which came in force in 2003, are in danger of obscuring the underlying concept.

In fact, the regulations are straightforward. They provide parents with children under six (or 18 if the child has a disability) with the right to request flexible working arrangements, which may include working from home.

For the employer, this means having to follow certain procedures to consider the request for flexible working. It doesn't mean that employees are automatically able to work from home. Nor does it mean that employees without children can't ask their management to let them work from home.

**The early inhibitors to a practical adoption of flexible working centred around 'hard' and 'soft' issues.**

The early inhibitors to a practical adoption of flexible working centred around 'hard' and 'soft' issues. Hard issues included the cost of a suitable telecommunications infrastructure, including cost of maintenance, lack of flexibility, and potential security exposures. Soft issues centred around concerns about managing staff in a 'virtual office' and a possible degradation in communications that had traditionally been performed face-to-face, or at least in a workgroup. Some employees feared that, being out

of the mainstream, their careers might be overlooked (out of sight...). They viewed flexible working as an 'opt out' for career progression. HR professionals also recognised the need to implement such a culture change in a carefully managed way.

Time has proved to be a great healer and the growth in 'part home working' has been exponential.

Quick Facts (source: The Future Foundation, September 2005)

**8.6% of the British workforce (2.5 million people) already works from home for at least one day a week**

- The UK has a higher level of people working from home than France or Germany. According to the Future Foundation report, commissioned by Brother, 8.6% of the British workforce (2.5 million people) already works from home for at least one day a week.

- The foundation expects the number to rise by 200,000 a year for the next four years, rising to nearly 5 million people, 16.2% of the workforce working partially at home by 2020.

- More senior, and more highly skilled workers are more likely to work from home.

- There is a disparity by age. One in four workers aged 15-24 is interested in trying tele- working; just over one in four of the 25-34 age group, and around one in five of the 35-44 age group is interested. The figure drops to just over 10% of the over-65s.

The Management Consultancies Association also commissioned a separate survey recently that reported:

- one third of the 1,200 respondents claimed that remote working is now common in their organisation.

- Despite the potential gains for the employer, 93 per cent said it was the employees who were choosing to work away from the office, rather than their employer encouraging them to do so.

Most organisations employing knowledge workers have now accepted that it makes good business sense to position themselves as an 'employer of choice' by offering good work-life balance options, in order to attract and retain key staff with scarce skills,

# Flexible Working -
# the partial home worker

Flexible working is rapidly becoming a synonym for remote working and that encompasses permanent homeworkers, partial homeworkers, occasional homeworkers and mobile workers.

A number of devices have appeared on the market, aimed specifically at mobile working. For example, the hand-held personal digital assistant (PDA) acts as an electronic organiser or day planner that is portable, easy to use and capable of sharing information with your PC.  The BlackBerry is a handheld wireless device providing e-mail, telephone, text messaging and web browsing and other wireless data access.

**The convenience and comfort of homeworking, whilst still enjoying the support and camaraderie of colleagues for part of the week**

The focus of our attention, however, is the partial homeworker (where employees choose to work at home for one or two days a week). According to the NCC, it is in the arena of 'partial homeworking'  where we can expect to see the fastest growth.  It offers a 'best of both worlds' option -  the convenience and comfort of homeworking, whilst still enjoying the support and camaraderie of colleagues for part of the week.

Overwhelmingly, the benefit most cited by partial homeworkers is the freedom to work (for at least part of the week) when *they* choose to. staff will often log-on in the evening or the weekend for an hour or two, just to get jobs finished while things are quiet. Secondly, they cite the relief of not having the stress of travelling to the office each day. Thirdly, they cite their strong dislike of having to stay over at the office in the evening, when an important task needs completing.

In the legal environment, this requires more than simply the ability to receive and send emails from home. Fee earners and senior staff are

constantly having to multi-task, between clients, cases, projects and administration. They need access to Case & Workflow Management systems, Digital Dictation, Time Recording, Document Management and Client Files. They need to be able to access the office systems from home (possibly from a commercial client's offices or even from court) using their laptop or their home PC.

**Whether they specialise in commercial or family services, dispute resolution or employment matters, solicitors have one thing in common. Time is money. And lost time is an irrevocably lost opportunity to earn.**

The legal profession shares all the business benefits associated with remote working that apply to industry and commerce in general. There is, however, an added impetus for firms of solicitors. Whether they specialise in commercial or family services, dispute resolution or employment matters, solicitors have one thing in common. They are fee earners. Time is money. And lost time is an irrevocably lost opportunity to earn.

The irony is that for most changes to working practices, and for most IT innovations, the pressure is wholly from above. The challenge is to motivate staff to adopt new processes.  With flexible working, much of the impetus has been 'bottom up', from staff seeking to improve their work-life balance - making implementation that much easier.

**So, what are the people-related benefits?**

**Recruitment.** Rresearch conducted by Woodhurst Management found that 72% of the respondents would move to another job, for no reason other than to be able to work from home. The Chartered Institute of Personnel & Development (CIPD) came up with a smaller, but still compelling result, from their 2005 survey,  where half of employers quoted a positive effect on recruitment (27% reporting a *major* effect)

**Staff retention**. The CIPD 2005 survey also reported a 74% positive effect on retention. British Telecom claims that flexible working significantly enhances the retention rate of female employees who reach the end of their maternity leave entitlement (98% returned in one year according to BT)

**Motivation**. CIPD reported a 70% positive effect on motivation.

**Absenteeism**. Older research reported by the Industrial Society (2002) indicates that flexible working patterns can help to reduce absenteeism. Their *Managing Attendance* survey showed that absence rates fell from an average of eight days per employee to 6.5 days during the 18 month period surveyed. 49% of survey respondents linked this improvement to having flexible annual leave; 40*% to the ability to work from home on occasions* and 55% to flexible working hours.

**Perception of organisations as being an employer of choice**. A joint study *"Flexible Working & Home Balance in the Professions"* completed by the Manchester School of Management, UMIST and Manchester Metropolitan University highlighted the role of flexible working in establishing a professional firm as an 'employer of choice'. Capturing this role enables firms to recruit and motivate the highest calibre staff.

**Productivity, efficiency and quality of client service**. Giving fee earners the ability to complete tasks conveniently outside normal working hours is a positive benefit for employees, with the added benefit of improving client service.

**Flexibility to meet peaks and troughs of work**. Really, an extension of the above, without the traditional need for long or inconvenient hours.

**A way of easing senior partners into retirement**.
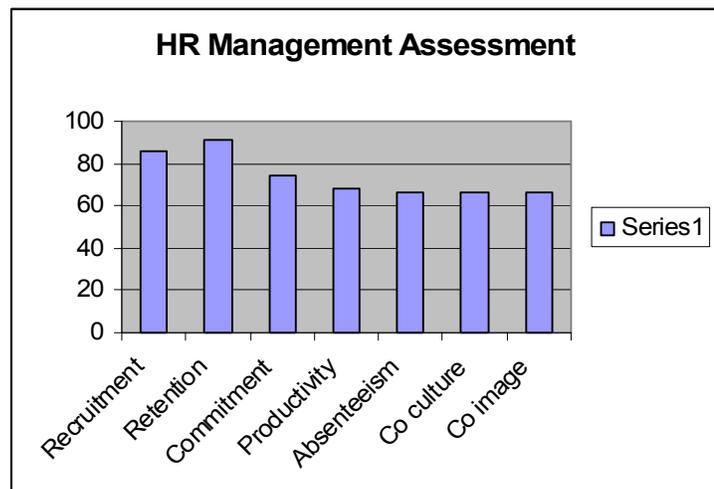


**Positive responses from HR Management on the effects of introducing flexible working policies.**

Source: Centre for Business Performance

**Non-people related benefits**

Non-people related benefits occur mainly from cost savings in the physical office infrastructure. Car parking, office space, etc. These savings alone can be sufficient cost justification for flexible working.

Rapidly growing firms can often avoid, or at least defer, the costs of moving to new, larger premises.

Some of the IT routes to part homeworking can be further cost justified in by not having to upgrade an ageing IT infrastructure (the Citrix approach, in particular, can be shown to extend the life of internal networks, often by years).

The benefits, then are significant. But at what cost? Does it mean a complete overhaul if the IT infrastructure, replacing an already significant investment in hardware and software? Will the existing computer-based systems need replacing? Will staff have to be retrained in new applications?

The concept of a network doesn't really need describing. Almost everyone reading this document will already be using PCs within the office - PCs that are linked, that possibly share resources such as printers, applications and, probably, use a common database. Those using computer-based digital dictation systems will be used to the concept of transmitting voice files to, and typed files from, admin support personnel.

An ideal solution, then, for remote working would be an extension of the network to the home. A secure, private network. This is what is known as a Wide Area Network (WAN). But leased-line WANS are expensive and simply do not provide the flexibility necessary for a mobile workforce.

Then along came the internet and, with the advent of low cost broadband communications that allow simultaneous use of the home telephone and speedy transfer of information, a very cost effective solution was born.

**A well designed VPN should incorporate:**

**Security**

**Reliability**

**Scalability**

**Network management**

**Policy management**

**The 'Virtual' Private Network - VPN**

A virtual private network (VPN) is a private network constructed across a public network, such as the Internet. A VPN solution will allow employees working from home, visiting a client or even when overseas to connect safely and securely to the corporate network and do anything they would normally do at their office PC.

A simple 56K dial up account will suffice as a minimum, but it will not be very fast. Anyone using a 512Kb or above broadband connection will find

the speed more than acceptable. It is even possible to use wireless connections (WiFi) to the internet.

A VPN can be created by adding a special black box (or boxes) at each of the firm's offices. Existing hardware does not need replacing, application software does not need to be changed, and anyone wishing to work from home simply uses their existing PC or laptop, using the internet as their communications carrier.

The dominant technology in this field is known as Citrix and, as a measure of its acceptance, all of the Fortune 100 companies has adopted Citrix technology (97% of the Fortune Global companies). It is proven and reliable. But is it safe?

## Security implications

There is always the underlying concern that security (an ever present threat, even to in-office systems) could so easily be compromised even further with an added layer of users working from home, with clients, at court, or on the move. And surely, using the internet, rather than dedicated lines as the communications platform, adds yet further risk?

Assuming that the central system is adequately provided for with firewalls, anti-virus and data security measures, including well managed password protection, the potential *additional* exposures for sensitive data occur:

**Over 100,000 laptops were stolen from vehicles in the UK in one year alone**

- during transmission over public networks between office and remote user
- while stored on the PC or laptop's hard drive  (according to Metropolitan Police, computer theft is currently the fastest growing crime. In 2003 around 100,000 laptops were stolen from vehicles in the UK, that's over 270 laptops per day and 6.2% of all vehicle insurance claims were the result of laptop theft)

In practice, this should represent no more a problem than working in the office. *Properly implemented*, remote workers can use a highly secure connection. Our own approach is to encrypt your data before even transmitting it so, even over the Internet, it is highly secure. We would also recommend adopting a technology called the secure gateway, which eliminates man-in-the-middle attacks, so that 'packets'  cannot be snooped or sniffed. Finally, we adopt an approach that does not typically download data to the hard file. Once the home-based PC is switched off, the records no longer remain on that device.

VASCO - security on your keyring.

We also recommend something known as 'strong authentication', using VASCO tokens -  an approach that is so much more effective than simple

passwords. After all, how many people use their partner's name, their birthday, or even tape their password under their laptop. VASCO code changes every thirty seconds - even if someone were to view it, within half a minute the system's doors would have new locks. Data secured and access restricted.

**Where flexible working is achieving the desired objective, it is because it has been approached with a 'dual agenda'. In other words, the responsibility for making it work has been shared by the individual and the organisation, thereby ensuring that the needs of both are being met. (UMIST)**

So many radical changes to working practices that depend on Information Technology, present very real technical challenges. From what has already been discussed, it will be apparent that this is not necessarily true of remote working. By working with specialists in the field, such as Century, and by adopting a proven platform, such as Citrix, should ensure a rapid and relatively painless IT implementation. The key is for the specialist supplier to really understand your company requirements, to have the technology to be able to assess your potential information traffic, and the ability to build-in appropriate data security measures.

Inevitably, this is not the end of the story. Given the right sort of partnership with your supplier, the biggest challenge comes the change of culture. We can divide them inter personnel and operational challenges:

**Personnel constraints**

- For some, working long hours becomes symbolic of providing good service (Carey)

- Career Death is a major concern for those considering flexible working. I81% believe that it would negatively impact their careers (CIMPM)

**Operational constraints**

- According to the Chartered Institute of Personnel and Development (CIPD), operational pressures are the most significant constraint for organisations when implementing flexible working practices (77%).

- This is followed by concerns over client service requirements. However, 45% of companies in the CIPD survey that offer flexible working report a positive impact on productivity, suggesting this is a fear in the minds of managers, rather than one that is actually present.

- 45% of respondents reported that line managers have difficulties implementing flexible working practices. Respondents report major constraints in line managers' ability to manage individuals working more flexibly and the attitudes they have to flexible working practices. We believe this to be significantly less of a concern within the legal profession, where fee earners operate much more autonomously than general office workers in commerce.

According to Croner (2005) the nine management imperatives for a successful flexible working policy are (quote):

**Lead by example** — if senior management continue to work long hours and suggest that only someone who doesn't take their career seriously will work flexibly, then only those with relatively little ambition will adopt it.

**Managing the line** — there seem to be a few managers in every organisation whose macho approach to their teams precludes flexible working. Such managers need to have the benefits to the organisation arising from flexible working explained clearly.

**Staff involvement** — one of the first steps in implementing flexible working is to ask staff what they want, and to find out how they think their preferences can be accommodated. Their detailed knowledge of ebbs and flows during the working day can be utilised to devise rotas that closely match the demand for labour.

**Measure results** — There is a great deal of evidence that flexible working supports recruitment and retention and reduces absence. To demonstrate that this is the case in their organisation, managers should ensure that they have benchmark figures for these indicators at the start of the exercise.

**Count the cost** — The cost of implementing flexible working is small, so managers should not let concerns about the investment required deter them from bringing it in.

**Improve recruitment processes** — it is important that recruitment advertising makes the organisation's support for flexible working clear, and also spells out the flexible working options for particular jobs. Surprisingly, many recruiters don't do this.

**Retain more staff** — if anyone wants to leave your organisation, ask whether inconvenient working hours are the source of the problem, and if they are, find out what arrangements would suit the employee better.

**Be open-minded** — there are many ways of working flexibly – part-time, job sharing, compressed hours, flexitime, and annualised hours, for example. Do not try to shoehorn staff into particular arrangements.

**Review** — ensure that operations are not being compromised by individual employees' working patterns and establish that staff are being treated fairly.

Early research conducted by UMIST School of Management and Manchester Metropolitan University in collaboration with the Centre for Business Performance arrived at broadly similar conclusions, indicating that flexibility works best in practice when (quote):

- Formal policies incorporate genuine flexibility and not 'one size fits all' solutions.

- There is effective communication of opportunities for flexibility for all.

- There is a supportive, open and approachable management style among line managers.

- The long hours culture is challenged.

- Flexible workers are trusted and valued.

- At an informal level, flexibility is a two-way process which involves a degree of responsibility to adapt to suit the organisation's and the individual's workload and needs.

- Good communication is maintained between flexible workers with colleagues and clients, making optimum use of information and communications technology.

**Cost of ownership can be incredibly low, especially maintenance costs. It means that companies can enjoy the benefits of a private network, without the overheads. ROI is typically less than 12 months**

Century are the owners of theLEGALaccess platform. It is built around Citrix technology (we are one of the UK's leading accredited Citrix Business Partners). Tested, proven and trusted.

No firm wants to have to throw out their investment in existing, perfectly usable IT hardware. With Century's theLEGALaccess approach, it is hardly ever necessary to replace even ageing PCs or terminals, unless you really want to. Cost of ownership can be incredibly low, especially maintenance costs. It means you can enjoy the benefits of a secure private network, without the overheads. ROI is typically less than 12 months.

So confident are we that we can implement a solution rapidly and cost effectively, we will set up an on-line demonstration - you don't even have to leave your office chair to try it for real. We don't need to visit you. Just call or e-mail.

We employ state-of-the-art technology to analyse your information traffic to ensure a finely-tuned solution that ensures ease of use with speedy response times.

We are acknowledged as specialists in IT security and build extensive security measures into your tailored remote working solution.

We can provide 'remote support' - if you call out helpine with a problem, we can 'patch' into the user's PC instantly (with all the necessary security safeguards) and guide the user over the phone, or institute a 'fix' there and then.

Enough sales talk! It is much more productive to talk about your specific requirements. We would love to have the opportunity of letting one of our specialists configure a solution for you. No commitment. Call us on 0845 331 3599, email me, Rob.Green@centurycomputing.co.uk, or use the FaxBack form at the end of this report.

**GLOSSARY**

Wherever we have had to use IT jargon within the report, we have defined terms in-flight. We thought it might also be useful to include a glossary. Not all terms in the glossary have been used in the report.

**WiFi** Short for 'wireless fidelity' (pronounced Wye-Fye). A term for certain types of wireless local area networks (WLAN) that use specifications conforming to IEEE 802.11b. WiFi has gained acceptance in many environments as an alternative to a wired LAN. Many airports, hotels, and other services offer public access to WiFi networks so people can log onto the Internet and receive emails on the move. These locations are known as hotspots.

**PDA** The main purpose of a personal digital assistant (PDA) is to act as an electronic organizer or day planner that is portable, easy to use and capable of sharing information with your PC. It's supposed to be an extension of the PC, not a replacement.

**Blackberry** is a leading hand-held wireless connectivity solution, providing access to a wide range of applications on a variety of wireless devices around the world. It combines award winning devices, software and services to keep mobile professionals connected to the people, data and resources that drive their day.

**VPN** A virtual private network (VPN) is a private network constructed across a public network, such as the Internet. A VPN solution will allow employees working from home, visiting a client or even when overseas to

connect safely and securely to the corporate network and do anything they would normally do at their office PC.

**LAN** A local area network (LAN) is a group of computers and associated devices that share a common communications line or wireless link and typically share the resources of a single processor or server within a small geographic area (for example, within an office building). Usually, the server has applications and data storage that are shared in common by multiple computer users.

**WAN** A Wide Area Network is a group of computers in more than one geographic location, linked by leased telephone lines. A computer networkthat spans a relatively large geographical area. Typically, a WAN consists of two or more local area networks (LANs - see above). The largest WAN in existence is the Internet.

**Citrix** Citrix is the world's leading specialist in Virtual Private Network technology. Century is accredited as one of the UK's leading Citrix Business Partners.

**Firewall** A firewall, is a security barrier between computers on a network. Without a firewall, intruders on the network would likely be able to destroy, tamper with or gain access to the files on your computer. Century is accredited security specialist with one of the world's leading firewall suppliers.

# COMPATIBILITY

Century's theLEGALaccess remote user platform for solicitors is fully

compatible with the folowing leading software applications:

| HR Management | Compatible |
|---|---|
| Laserform HRnet | |
| PeopleSoft | |
| Personnel Director | |
| Professional Personnel | |
| SAP | |

| Accounts & PMS |
|---|
| Aderant/CMS.Net |
| AIM Evolution |
| Axxia |
| Civica Galaxy |
| Eclipse |
| Elite (Hammonds Direct - Axxia) |
| JHC |
| Linetime |
| Microsoft Great Plains |
| Miles 33 |
| Norwel |
| Oracle & Aderant/Keystone |
| Paragon |
| Pilgrim LawSoft |
| Sage line 100 |
| Sage line 50 |
| SAP |
| Select Legal Systems LawFusion |
| Solace Millenium |
| Thomson Elite |
| Tikit Firmware |
| Timeslice |

## Case, Workflow & BPM

### Digital Dictation

- BigHand TotalSpeech
- Crescendo Digiscribe
- DMCL Winscribe
- DPS TeamTalk
- E-Dict Winscribe
- England Crowhurst Winscribe
- G2 LegalSpeech
- LFM Winscribe
- MayDay Winscribe
- MTM Technologies
- nFlow DictaFlow
- Olympus
- Philips
- SRC Olympus
- SRC Winscribe
- Tikit
- Voice Technologies Winscribe
- Voicepath ASP
- VoicePower
- Welgo Olympus
- Welgo Winscribe
- Winscribe
- XKO Winscribe

- Accudebt
- AIM Teamflo
- Axxia
- CaseFlex
- Caseroom
- Civica
- ClaimBase
- Cognito Custodiens
- Datix
- DPS
- Eclipse ProClaim
- FloSuite
- FTI Ringtail CaseBook
- Icon Conveyancing
- I-many
- Isokon Probate
- Legis
- Linetime Debtime
- Litigators Notebook
- London Bridge Vectus
- Lonelypixel
- Lotus Notes
- Metastorm e-work
- Pilgrim Debt Recovery
- RealLegal Practice Manager
- Select Legal Systems LawFusion
- Solcara

## CRM

- ACT!
- Adreant MarketSense
- Axxia
- e1 Metis
- Elite Apex
- Goldmine
- Innovation 360 RI
- InterAction
- mySAP CRM
- Norwel
- Onyx
- Pivotal

## Cost Recovery

- Billback Systems
- Copitrak
- Equitrac
- Softlog

## Document Assembly

- Documents Plus Chamleon
- HotDocs

## Knowlege Management

- Perceptive Mentor
- Recommind MindServer
- Solcara
- Tikit Know-How System
- Verity K2

## Email Management

- FWBS OMS Matter-Centre
- Hummingbird
- Intech Solutions File-it!

| Interwoven MailSite | |
|---------------------|---|
| Interwoven WorkSite | |
| Visualfiles M2 | |